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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI

MDL. No. 1827

10 This Order Relates to:

11 All Direct-Purchaser Plaintiff
12 Class Actions

**ORDER GRANTING ELECTRONIC
EXPRESS'S MOTION TO WITHDRAW
ITS REQUEST TO OPT OUT OF
PLAINTIFF CLASS OF DIRECT
PURCHASERS**

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14 Electronic Express, Inc. has filed a motion to withdraw its request to opt out of the Direct-
15 Purchaser Plaintiff class. Master Docket No. 5337. Pursuant to Civil Local Rule 7-1(b), the Court finds
16 this matter appropriate for disposition without oral argument and therefore VACATES the hearing
17 currently scheduled for May 18, 2012. Having considered the papers of the parties, and for good cause
18 appearing, the Court hereby GRANTS Electronic Express's motion.


19 Electronic Express, a small direct purchaser of LCD screens in Tennessee, opted out of the DPP
20 class before the Court-ordered January 4, 2011 deadline. Electronic Express had not sought the advice
21 of legal counsel regarding whether it should remain a member of the DPP class prior to submitting its
22 exclusion request. Since then, Electronic Express has consulted legal counsel and now wants to rejoin
23 the class. The DPPs oppose Electronic Express's motion because the Court has already approved DPP
24 class settlements with certain defendants, and that "[c]ondoning [Electronic Express's request] will lead
25 to a reduction of the settlement fund" secured on behalf of those class members who did not opt out.
26 See Opposition at 3. The DPPs also suggest that, should the Court allow Electronic Express to rejoin
27 the DPP class, the floodgates could open for similar requests by other class members who have opted
28 out. *See id.*

1 At this stage, Electronic Express, whose modest operations include only stores located in Middle
2 Tennessee, *see* Declaration of Sam Yazdian at ¶ 7, has shown good cause for withdrawing its exclusion
3 request. Further, its re-admission to the class will not have a material effect on other class member
4 distributions. However, the Court recognizes the potential for unfairness should large numbers of
5 entities who previously opted out now seek re-admission to the class post-settlement, or if even a few
6 very large purchasers were to do so. When and if that begins to happen, the Court will take it into
7 account and will be unlikely to grant such requests in the future.

8 Accordingly, the Court GRANTS Electronic Express's Motion to Withdraw Its Request to Opt
9 Out of Plaintiff Class of Direct Purchasers.

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11 **IT IS SO ORDERED.**

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13 Dated: May 17, 2012

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16 SUSAN ILLSTON
17 United States District Judge
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